



House of Representatives

File No. 842

General Assembly

January Session, 2001

(Reprint of File No. 335)

Substitute House Bill No. 6553
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2001

***AN ACT CONCERNING THE TRANSPORTATION OF MILK AND A
PILOT PROGRAM ALLOWING CERTAIN PREFABRICATED
COMMERCIAL UNITS TO BE OPERATED UPON ANY HIGHWAY OR
BRIDGE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) As used in sections 1 to 4, inclusive, of this act: (1)
2 "Permit" means a permit issued by the Commissioner of Agriculture
3 pursuant to section 3 of this act or issued by a milk transport
4 regulatory agency of another state that has bulk milk pickup tanker
5 permit and safety requirements that, in the opinion of the
6 commissioner, are consistent with the requirements of the Grade A
7 Pasteurized Milk Ordinance recommended by the United States
8 Department of Health and Human Services; (2) "inspection report"
9 means a report issued as part of the permit application under section 3
10 of this act or issued after an inspection conducted pursuant to
11 subsection (b) of section 2 of this act; and (3) "Commissioner of
12 Agriculture" includes the commissioner's designee or an agent or
13 assistant authorized under section 22-128 of the general statutes.

14 Sec. 2. (NEW) (a) No person may engage in the transportation of
15 milk or milk products by bulk milk pickup tanker to or from a farm,
16 milk plant, receiving station or transfer station in this state unless: (1)
17 The owner of the bulk milk pickup tanker has a valid permit for such
18 tanker and a current inspection report; and (2) the permit and
19 inspection report accompany the tanker.

20 (b) The Commissioner of Agriculture may stop any bulk milk
21 pickup tanker engaged in the transportation of milk or milk products
22 to or from a farm, milk plant, receiving station or transfer station in
23 this state to: (1) Determine whether a valid permit and inspection
24 report accompany the tanker; or (2) conduct a safety and sanitation
25 inspection. If the commissioner conducts a safety and sanitation
26 inspection pursuant to such a stop, the commissioner may issue a new
27 safety and sanitation inspection report. If an inspection conducted
28 under this section reveals construction or repair defects or the need for
29 significant cleaning, the commissioner may order a tanker removed
30 from service until such deficiencies are corrected. If a tanker inspected
31 under this section has a permit issued by another state, the
32 commissioner may forward the results of the inspection to the issuing
33 state.

34 Sec. 3. (NEW) (a) Each person seeking a permit for a bulk milk
35 pickup tanker shall make application on forms prescribed by the
36 Commissioner of Agriculture.

37 (b) The commissioner shall issue a permit to an applicant upon
38 evidence satisfactory to the commissioner that the tanker is in
39 compliance with the milk handling requirements of chapter 430 of the
40 general statutes.

41 (c) A permit issued under this section shall be valid for one year
42 from the date of issuance and may be renewed upon application to the
43 commissioner on forms prescribed by the commissioner.

44 Sec. 4. (NEW) The Commissioner of Agriculture may adopt
45 regulations, in accordance with the provisions of chapter 54 of the

46 general statutes, to carry out the provisions of sections 2 and 3 of this
47 act.

48 Sec. 5. Section 22-180 of the general statutes is repealed and the
49 following is substituted in lieu thereof:

50 Whenever shipments of milk to Connecticut markets from any dairy
51 farm, group of farms, receiving plant or station [licensed pursuant to
52 section 22-174] have been discontinued during those months of the
53 year other than July and August, for a period of sixty consecutive days,
54 or during the months of July and August for a period of fourteen
55 consecutive days, the commissioner may determine that such farm,
56 group of farms, receiving plant or station is inactive and may be
57 inspected by [him] the commissioner as [he] the commissioner deems
58 necessary. The commissioner shall be notified of the resumption of
59 shipment of milk to the state by such farm, group of farms, plant or
60 station not less than seven days prior to such shipment.

61 Sec. 6. Notwithstanding section 14-270 of the general statutes, the
62 Commissioner of Transportation shall establish a pilot program
63 beginning July 1, 2001, and ending June 30, 2002, for the purpose of
64 issuing permits allowing a manufactured modular or prefabricated
65 commercial unit with a height greater than thirteen feet but no greater
66 than fourteen feet six inches to be operated upon any highway or bridge.
67 Such permit shall specify conditions under which such manufactured
68 modular or prefabricated commercial unit shall be permitted to operate,
69 including, but not limited to, the period of time such operation shall be
70 authorized. A denial of such permit shall be required to be accompanied
71 by a statement of the basis for such denial. On or before January 1, 2003,
72 the commissioner shall submit findings and recommendations
73 concerning the operation of said pilot program to the joint standing
74 committee of the General Assembly having cognizance of matters
75 relating to transportation, in accordance with section 11-4a of the general
76 statutes. As used in this section, (1) "modular or prefabricated
77 commercial unit" means the completely assembled and erected
78 building or structure designed for educational or commercial use,

79 including the service equipment, of which the structural parts consist
80 of prefabricated individual units or subassemblies using ordinary or
81 controlled materials, and in which the service equipment may be either
82 prefabricated or at-site construction, and (2) the following terms have
83 the meanings assigned to them in subsections (b) to (g), inclusive, of
84 section 21-85 of the general statutes: "Prefabricated subassembly",
85 "prefabricated unit", "prefabricated unit service equipment" and
86 "prefabricated".

87 Sec. 7. Section 22-174 of the general statutes is repealed.

88 Sec. 8. This act shall take effect July 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost and Potential Minimal Revenue Loss (Transportation Fund)

Affected Agencies: Departments of Agriculture and Transportation

Municipal Impact: None

Explanation

State Impact:

The increase in workload to the Department of Agriculture (DOA) associated with the permit requirements for transporting milk and the inspections authorized in the bill, is anticipated to be minimal and handled within existing budgetary resources. Approximately 25 trucks will need to be permitted and potentially inspected. It is anticipated that each inspection will require one hour of staff time.

This bill also establishes a pilot program from July 1, 2001 through June 30, 2002 for issuing permits allowing a manufactured modular or prefabricated commercial unit with a height between 13 feet and 14 feet 6 inches to be operated on the state's highways or bridges. The Commissioner of Transportation must submit findings and recommendations to the Transportation Committee by January 1, 2003.

Assuming that staffing levels remain the same, it is uncertain whether or not passage of this bill would affect productivity levels and

revenues. The current permit fee is \$23 or \$26. The total revenue collected annually is approximately \$2.5 million for a variety of permits including modular units with heights up to 13 feet 6 inches. Any revenue loss as a result of the passage of this bill is anticipated to be minimal. The report will be prepared and completed by staff within available resources.

House "A" adds the pilot program and report by DOT and the associated Transportation Fund potential minimal revenue loss and workload impact.

OLR Amended Bill Analysis

sHB 6553 (as amended by House "A")*

AN ACT CONCERNING THE TRANSPORTATION OF MILK.**SUMMARY:**

This bill requires owners of milk tanker trucks to obtain a permit for each tanker transporting milk or milk products to or from farms, milk plants, or receiving or transfer stations. The permit may either be from the agriculture commissioner or another state whose permit and safety requirements for bulk milk pickup, in the commissioner's opinion, comply with federal guidelines. Each tanker must carry with it the permit and a current safety and sanitation inspection report.

The bill authorizes the commissioner to stop and check tanker trucks for the documents or to see whether the trucks are safe and sanitary. He may remove from service trucks that need repair or significant cleaning. He may issue a new inspection report based on the stop, and, if the truck has a permit from another state, send the report to the permitting state.

The bill repeals a law requiring out-of-state businesses that handle cream intended for sale in Connecticut to obtain a cream source permit from the commissioner if they do not hold a Connecticut dairy plant or milk dealer permit. By doing so, it allows the commissioner to inspect any dairy farm, group of farms, receiving plant or station that has discontinued shipments of milk to Connecticut markets for 14 consecutive days in July and August or 60 consecutive days in any other month.

The bill also requires the transportation commissioner to permit the transport of oversized manufactured modular classrooms or other prefabricated commercial units on highways and bridges in a one-year pilot program beginning July 1, 2001.

*House Amendment "A" adds the provisions concerning the transport of prefabricated or modular units.

EFFECTIVE DATE: July 1, 2001

TANKER TRUCK PERMITS

People seeking a permit must apply to the agriculture commissioner on forms he prescribes. The commissioner must issue a one year, renewable permit if he finds the tanker complies with milk handling requirements. He may adopt implementing regulations.

PILOT PROGRAM FOR TRANSPORT OF OVERSIZE MODULAR UNITS

The transportation commissioner must issue permits allowing the transport of units between 13 feet and 14 feet 6 inches high. He must specify in each permit the time period during which, and the conditions under which, the unit must be transported. He must state his reason for denying any permit, and include that statement with the denial. He must submit his findings and recommendations on the program's operation to the Transportation Committee by January 1, 2003. Current law authorizes, but does not require, the commissioner to issue special written permits for vehicles taller than 13 feet 6 inches.

MODULAR OR PREFABRICATED COMMERCIAL UNIT

A modular or prefabricated commercial unit is a completely assembled and erected building or structure designed for educational or commercial use, including the service equipment.

BACKGROUND

Related Federal Law

Recent changes to the U.S. Food and Drug Administration's Pasteurized Milk Ordinance and related documents initiated at the 1999 National Conference on Interstate Milk Shipments require states to adopt procedures to inspect and permit all bulk milk tanker trucks on an annual basis. Previously, the ordinance required states to inspect only 10% of bulk milk tanker trucks each year and did not require states to issue permits.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 27 Nay 0